

Remarks

We gratefully acknowledge the telephone interview between the undersigned attorney and the Examiner concerning the subject application held on February 4, 2004. During the interview the undersigned attorney asked clarification on the Examiners statement in the final rejection that “the phrase “adhereable” in the claim language is still directed to a future use of the product assemblage and hence, is not found to be a positive limitation in any patentable sense”. The undersigned attorney argued that use limitations can add patentable weight and that even if this were not the case, the claims have limitations beyond the use limitations that patentably distinguish the present invention from the cited art.

The Examiner’s rejection of claims 1 under 35 U.S.C. 103(a) as being unpatentable over Russell (WO-94/23957) in view of Heuser (3,315,387) was discussed, it being our argument that while Russell describes a laminate including a graphic having a layer of pressure-sensitive adhesive along its rear surface so that the graphic is adhereable to a substrate by the layer of adhesive, which laminate includes a separate polymeric cover sheet overlaying the graphic portion, and a layer of removable pressure-sensitive adhesive firmly adhered to the inner major surface of the cover sheet and having its front surface removably adhered to the front surface of the graphic portion; the graphic on the laminate described by Russell is complete. In contrast, the present invention provides an assemblage of laminates, each of which laminates includes a graphic portion and a separate polymeric cover sheet overlaying the graphic portion with irregular visually distinctive mating edges shaped for edge-to-edge engagement only when the graphic portions are in a predetermined relative orientation. Thus, the assemblage of laminates according to the present invention allows large graphics, such as elongate graphics over 6 feet or 1.8 meters long to be conveniently manufactured, transported, and handled during application, while still facilitating easy and accurate installation of such graphics by either professional or non-professional installers (e.g., homeowners).

The Examiner argued that these differences are made obvious by Heuser’s description of adhesive labels with alignment means in the shape of mating edges (9, 10) that extend past the peripheral edge of the cover sheet.

While not acknowledging that there is any teaching or suggestion in Heuser to modify the structure of Russell by separating its graphic laminate into adhesive labels of the type described by Heuser, applicant’s attorney argued that, even if this were obvious, the resulting structure

would not be structure of the present invention as claimed in claim 1. The adhesive labels described by Heuser can be assembled in any order. There is no suggestion that those adhesive labels should be adhered to a substrate in a predetermined relative orientation to form on the substrate a graphic having a predetermined shape.

In contrast, in the assemblage of laminates according to the present invention as claimed in claim 1, the cover sheets having irregular visually distinctive mating edges shaped for edge-to-edge engagement only when the graphic portions are in a predetermined relative orientation. This feature is not shown or suggested by either Russell or Heuser or any combination thereof, and patentably distinguishes the present invention from the structures described in those references. Thus it was argued that claim 1 should be allowed, together with the claims that are dependent on claim 1 and recite further structural limitations that are not shown or made obvious by the cited references.

The Examiner was not persuaded by the argument, but agreed to carefully consider the appeal brief, which was being prepared.

After further consideration in view of the Examiners remarks in the interview, instead of filing the appeal brief, the claims 1-13 have been redrafted as claims 14-28 which are believed to claim the present invention with greater precision in distinguishing the present invention from the cited art and to remove to a large extent the "use" language that the Examiner found not to provide "a positive limitation in any patentable sense".

Reconsideration in view of this amendment, and allowance of all of the claims in this application are respectfully requested.

Respectfully submitted,

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Date

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